

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OLD REPUBLIC INSURANCE CO.,	:	Civil Action
Plaintiff,	:	
v.	:	No. 02-5145 (consolidated)
LUMBERMENS MUTUAL CASUALTY CO.,	:	Hon. Cynthia M. Rufe
Defendant.	:	
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OLD REPUBLIC INSURANCE CO.,	:	
Plaintiff,	:	
v.	:	
THE VENATOR GROUP, INC. and FOOT	:	
LOCKER, INC.,	:	
Defendants.	:	

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2003, upon consideration of the Motion for Summary Judgment of Defendants Venator Group, Inc. and Foot Locker, Inc., and any opposition thereto; it is hereby ORDERED that said Motion is GRANTED.

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Honorable Cynthia M. Rufe

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>OLD REPUBLIC INSURANCE CO.,</b>	:	Civil Action
Plaintiff,	:	
v.	:	No. 02-5145 (consolidated)
	:	Hon. Cynthia M. Rufe
<b>LUMBERMENS MUTUAL CASUALTY CO.,</b>	:	
Defendant.	:	
	:	
<b>OLD REPUBLIC INSURANCE CO.,</b>	:	
Plaintiff,	:	
v.	:	
	:	
<b>THE VENATOR GROUP, INC. and FOOT</b>	:	
<b>LOCKER, INC.,</b>	:	
Defendants.	:	

**MOTION FOR SUMMARY JUDGMENT OF  
DEFENDANTS VENATOR GROUP, INC. AND FOOT LOCKER, INC.**

Defendants Venator Group, Inc. and Foot Locker, Inc. (hereinafter collectively referred to as "Foot Locker"), by their attorneys, Hecker Brown Sherry and Johnson LLP, hereby move for summary judgment in their favor and against plaintiff Old Republic Insurance Company. In support of their Motion, Venator Group, Inc. and Foot Locker, Inc. hereby adopt and incorporate by reference their Motion for Summary Judgment and Memorandum of Law in Support of Summary Judgment, including all attachments, which was filed with the Court on March 31, 2003, and docketed at Document No. 27, as though set forth fully herein.

WHEREFORE, Venator Group, Inc. and Foot Locker, Inc. respectfully request entry of an Order granting summary judgment in their favor and against Old Republic Insurance Company and declaring:

(a) that Old Republic Insurance Company is obligated to provide coverage in connection with the claims asserted against The Venator Group, Inc. and/or Foot Locker, Inc. by William and Irene Ricchiuti

(b) that Old Republic Insurance Company is obligated to indemnify The Venator Group, Inc. and/or Foot Locker, Inc. against any judgment or settlement relating to said claims;

(c) that Old Republic Insurance Company is not entitled to recover any sums it paid in settlement of the Ricchiuti litigation;

(d) that Old Republic Insurance Company is not entitled to pursue recovery of or recover any amounts expended in defense of Foot Locker, Inc. in the Ricchiuti litigation; and

(e) that The Venator Group, Inc. and Foot Locker, Inc. are entitled to an award of costs, including reasonable attorneys' fees, incurred in connection with this matter.

HECKER BROWN SHERRY AND JOHNSON LLP

DATED:\_\_\_\_\_

By:\_\_\_\_\_

Peter C. Kennedy  
Attorney ID #46422  
M. Jane Goode  
Attorney ID #37247  
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Attorneys for Defendants  
Venator Group, Inc. and Foot  
Locker, Inc.

**CERTIFICATE OF SERVICE**

M. Jane Goode, attorney for defendants Venator Group, Inc. and Foot Locker, Inc., certifies that on this 21st day of November, 2003, she caused a true and correct copy of the attached Motion for Summary Judgment of Defendants Venator Group, Inc. and Foot Locker, Inc. to be served upon the following via First Class, U.S. mail:

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M. Jane Goode